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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,569

02/27/2006

Johathan Cox

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,569	<b>Applicant(s)</b> COX ET AL.	
	<b>Examiner</b> DOUGLAS B. BLAIR	<b>Art Unit</b> 2442	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### **Response to Amendment**

The applicant has amended claims 1, 2, 4, 8, 10, 11, and 12 (claim 12 is presented with an incorrect status identifier). The applicant has added claims 13-19. Claims 1-4 and 6-19 are currently pending.

### **Response to Arguments**

Applicant's arguments filed 12/16/2010 have been fully considered but they are not persuasive.

When the Examiner considered the After Final Amendment filed on 12/16/2010, the Examiner concluded that the amendment would overcome the current rejection as written. The Examiner assumed that the applicant had carefully considered the Scott reference before presenting such an amendment and arguments. Specifically, the Examiner assumed that the applicant had made sure that Scott does not explicitly disclose the amended limitation. It is clear, however, that the applicant did not read the "Overview" of the Scott invention which explicitly states that the gateways can be run on personal computers (See col. 8, line 64-col. 9, line 37). A revised rejection is presented which addresses the applicant's claim amendments.

The applicant's arguments with respect to claims 13-19 are not persuasive. The applicant does not define home or office telephone connections in any meaningful way. The applicant could have chosen to use any arbitrary moniker for the phone lines and it would not change the fact that the claim is drawn to a gateway connected to phone lines. The applicant's specification does not put the public into possession of any sort of information that would show how "home"

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and "office" phone lines are treated in any different manner than any other phone line. The telephone connections in Scott can be considered "office" connection because clearly they are related to a place of business. They can also be considered "home" connections because they applicant has not claimed any frame of reference to what type of a "home" is being claimed. Clearly any building with telephone connections in Scott is "home" to the PC gateway disclosed by Scott.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,144,667 to Doshi et al. in view of U.S. Patent Number 7,123,608 to Scott.

As to claim 1, Doshi teaches a method for providing telephony services through the Internet, the method comprising steps of: by a server available through the Internet (**col. 6, lines 20-25, the voice/data network gateway 120 is a server accessible via the Internet**), communicating with a plurality of hosts, each host being connected to a local phone service via a local phone line to the server via the Internet (**Figure 1A, the voice switches are the hosts**), the server communicating with clients through the Internet to provide clients access to local phone services and communications through the local phone lines of the plurality of hosts (**col. 6, lines 43-50**); however Doshi does not explicitly teach a method wherein the server routes an Internet

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user phone call through the Internet to a host computer that is in the local area of the destination of the phone call so that the phone call proceeds through the local phone service of the host computer that is in the local area via the local phone line of the host computer that is in the local area.

Scott shows the benefits of using a local gateway which are PC's (col. 8, line 64-col. 9, line 37) to bypass long distance charges when connecting a call via the internet (col. 2, lines 27-36).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Doshi regarding providing phone services via a server over the Internet with the teachings of Scott regarding the use of a local gateway to bypass long distance service because doing so generally makes a call cheaper (See col. 2, lines 27-36 of Scott).

As to claim 2, the voice/data network gateway 120 of Doshi reads on the claimed server for the same reason indicated in the rejection of claim 1.

As to claim 3, Doshi teaches the server of claim 2, wherein the server computer is configured to provide one or more of the following services: authentication, tunneling, initiation of peer-to-peer communication, routing, directory, directory search, and access rights (Summary of Invention).

As to claim 4, the voice switches read on the claimed hosts for the same reason indicated in the rejection of claim 1.

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As to claim 6, Doshi teaches the host of claim 4, wherein the server controls client access to the host (col. 6, lines 12-53).

As to claim 7, Doshi teaches the host of claim 6, wherein the server is configured to provide one or more of the following services: directory search, voicemail and missed calls, call answering, and call initiation (call answering).

As to claim 8, it is rejected for the same reasoning as claim 1.

As to claim 9, Doshi teaches the client of claim 8, wherein the client device is configured to provide one or more of the following services: phone line interface, authentication, verification, call forwarding, call answering, voice mail and missed calls, and local-call routing (call answering).

As to claim 10, it is rejected for the same reasoning as claim 1.

As to claim 11, it is rejected for the same reasoning as claim 1. The third paragraph of the summary of Doshi discusses charging in the broad context claimed by the applicant.

As to claim 12, it is rejected as indicated in the preceding rejections.

As to claims 13-19, they are rejected as explained in the Response to Arguments section.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Primary Examiner, Art Unit 2442